

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended, is respectfully requested.

Claims 1, 3, 4, and 6-17 are pending in the present application, Claims 1, 4, 11, 15, and 17 having been amended. Support for the present amendment is believed to be self-evident from the originally filed specification.¹ No new matter is added.

The outstanding Office Action rejects Claims 1, 3, 4, and 6-17 were under 35 U.S.C. §102(b) as anticipated by Suzuki et al. (U.S. Patent No. 6,245,982).

With respect to the rejection of Claim 1 as anticipated by Suzuki, Applicant respectfully submits that the amendment to Claim 1 overcomes this ground of rejection.

Amended Claim 1 recites, *inter alia*,

obtaining, at the audio reproduction apparatus, an
audio data file,

wherein the audio data file has a data structure
that includes audio data, character data defining a shape
of a character, and motion data defining motion of the
character having the shape specified by the character
data.

Suzuki does not disclose or suggest every element of amended Claim 1.

Page 2 of the outstanding Office Action, when referring to the obtaining of the audio data file of Claim 1, cites to col. 8, lines 1-21 of Suzuki. This section of Suzuki states “a motion component database containing motion components in which the trajectories of fractions of the motion of a player or a musical instrument in a typical performance method are recorded.” The motion component database of Suzuki does not equate to the claimed “audio data file” with the data structure specified by Claim 1. The motion component database of Suzuki is not an ***audio data file*** that has a data structure that includes audio data,

¹ See, for example, Applicant’s Fig. 6, and page 11, line 11 to page 13, line 16 of the originally filed specification.

character data defining a shape of a character, and motion data defining motion of the character having the shape specified by the character data.

Fig. 11 of Suzuki shows a configuration of a sequence file that consists of (1) a scene file, (2), a personal initial information file, and (3) a personal performance descriptive file. The personal performance descriptive file (3) includes a performance information file and a motion descriptive file. The performance information file is MIDI data, and the motion descriptive file contains “pointer information that designates motion waveform data of each player or musical instrument contained in the motion component database.”² Suzuki describes that the waveform data is separate from any audio file. The pointer information in the performance information file is not the same as including the waveform data in the performance information file. Suzuki states that the use of the pointer rather than including the waveform data in the performance information file leads to a “reduced size and improved portability of the sequence file.”³ Suzuki does not disclose that the personal performance descriptive file includes MIDI data, the motion description file, and the waveform data.

Unlike the invention defined by Claim 1, the waveform data in Suzuki is separately stored in another database (see Suzuki’s Fig. 11) and is not included within the data structure of the audio data file. Fig. 12 of Suzuki, and its corresponding description at col. 17, describes how the sequence file (reproduction data) of a piece of music to be played is reproduced, and that the motion waveform data is obtained from a separate motion component database and not from the sequence file. Suzuki does not disclose or suggest any audio file with a data structure that includes audio data, “character data defining a shape of a character, and motion data defining motion of the character having the shape specified by the character data.”

² Suzuki, col. 16, lines 45-48.

³ Suzuki, col. 16, line 54.

Thus, Suzuki does not disclose or suggest an “wherein the audio data file has a data structure that includes audio data, character data defining a shape of a character, and motion data defining motion of the character having the shape specified by the character data”

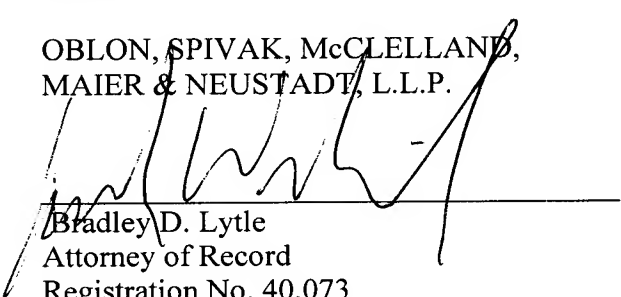
Furthermore, the arrangement of the audio data file in Claim 1 is advantageous when compared to conventional image reproduction where moving image data is prepared separately from the audio data. Having the character data and motion data included in the audio data file allows for a smaller data volume.⁴

In view of the above-noted distinctions, Applicant respectfully submits that Claim 1 (and any claims dependent thereon) patentably distinguish over Suzuki. Claims 4 and 17 recite elements analogous to Claim 1. Thus, Claims 4 and 17 (and any claims dependent thereon) patentably distinguish over Suzuki, for at least the reasons stated for Claim 1.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 07/09)

Joseph Wrkich
Registration No. 53,796

⁴ Specification, page 4, lines 16-21, and page 13, line 17 to page 14, line 7.